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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,791	03/09/2004	Hisayuki Watanabe	9333/371	3175
757	7590	11/28/2006	EXAMINER	
BRINKS HOFER GILSON & LIONE			WEISKOPF, MARIE	
P.O. BOX 10395			ART UNIT	
CHICAGO, IL 60610			PAPER NUMBER	
			3661	

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/796,791

Applicant(s)

WATANABE, HISAYUKI

Examiner

Marie A. Weiskopf

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-14, 21 and 22 is/are allowed.
- 6) ☒ Claim(s) 15-17 is/are rejected.
- 7) ☐ Claim(s) 18-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Masood et al (US 6,580,981). Masood et al discloses a system and method for providing wireless telematics store and forward peer-to-peer and peer-to-peer-to-infrastructure communication network comprising:

- In regard to claim 15, an intervehicle communication system for sending communication data from a source terminal to a destination terminal in a particular area via at least one intermediary terminal mounted in a vehicle, each intermediary terminal comprising:
  - A first receiving segment for receiving communication data sent from the source terminal or another of the intermediary terminals (Column 4, lines 9-20)
  - A communication processor operable to receive the communication data from the first receiving segment (Column 4, lines 9-20), the communication processor comprising:

- A determining segment for determining whether or not a condition is satisfied, the condition is satisfied when the intermediary terminal itself is in the particular area or when the communication data is received from another intermediary terminal in the particular area (Column 6, lines 44-50)
- An intermediary target setting segment for identifying another intermediary terminal in any direction or the destination terminal when the determining segment determines that the condition is satisfied or for identifying another intermediary terminal in a first particular direction or the destination terminal when the determining segment determines that the condition is satisfied. (Column 6, lines 30-67)
  - A first sending segment interconnected with the communication processor for sending the communication data to the intermediary terminal or the destination terminal as determined by the intermediary target setting segment. (Column 6, lines 30-67)
- In regard to claim 16, each intermediary terminal further comprising a terminal detecting segment for detecting other intermediary terminals or the destination terminal in a communication range at predetermined intervals. (Column 6, lines 30-67)
- In regard to claim 17, wherein the communication data sent from the source terminal comprises the vehicle position of the vehicle having the source terminal

Art Unit: 3661

and a target position in the particular area, and the intermediary target setting segment determines the first particular direction based upon the vehicle position and the target position. (Column 5, lines 21-34)

***Allowable Subject Matter***

3. Claims 1-14 and 21-22 allowed.
4. The following is a statement of reasons for the indication of allowable subject matter: In regard to claims 1 and 21, the prior art, individually or in combination, fails to disclose, teach or suggest repeating relaying the communication data between two of the terminals such that the communication data is relayed only in a first particular direction from a first terminal to a second terminal, until the communication data reaches an intermediary terminal mounted in a vehicle in the particular area and relaying the communication data in any direction, after the communication data reaches the intermediary terminal in the particular area. The closest prior art, Masood et al discloses repeating relaying the communication data between two of the terminals such that the communication data is relayed in multiple directions and not only in a first particular direction.

Claims 2-14 and 22 further define the invention.

5. Claims 18-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marie A. Weiskopf whose telephone number is (571) 272-6288. The examiner can normally be reached on Monday-Thursday between 7:00 AM and 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MW

  
**THOMAS BLACK**  
SUPERVISORY PATENT EXAMINER